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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/644,195	WENDT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joshua Kading	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-50 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-50 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4-5</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

5       The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 17, 21, 22, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10

In regard to claims 6 and 31, it is unclear what is meant by "non-broadcast, switched linear video or audio sources". Page 17, lines 13-15 of the specification mention the "non-broadcast, switched linear video or audio sources" but fails to further explain what these are. What is a switched linear video or audio source?

15

Claim 17 recites the limitation "the radio programming" in line 10 of claim 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "labeling information" in lines 3-4 of claim 21.

20      There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitations "labeling information" and "the radio programming" in lines 9-10 of claim 22. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

- 5       A person shall be entitled to a patent unless –  
          (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 10      Claims 1-4, 7, 9-11, 25, 27, 28, 29, 33, 35-37, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Focsaneanu et al. (U.S. Patent 5,828,666).

In regard to claim 1, Focsaneanu et al. disclose "a method for providing integrated voice, video, and data content in an integrated service offering to one or

15      more customer premises, comprising:

          receiving television programming from a programming source (figure 2, where element 10 can be a TV as described, and element 46 provides cable television programming(CATV));

          receiving data from a data network (figure 1, element 30 is the data network and

20      elements 10 receive the data);

          receiving telephone communications from a telephone network (figure 1, element 20 is a telephone network and elements 10 receive the telephone communications);

          placing the television programming, data, and telephone communications in a common format for integrated communication over a single network infrastructure using

a common communication protocol (col. 6, lines 47-59 where the CPEs are the customer premises as defined in col. 1, lines 39-42); and

communicating the integrated television programming, data, and telephone communications in the common format over the single network infrastructure using the

- 5 common communication protocol to one or more customer premises to provide the integrated service offering (col. 6, lines 47-59)."

In regard to claim 2, Focsaneanu et al. disclose "the method of claim 1, further comprising communicating data from a customer premises to the data network in the 10 common format over the single network infrastructure using the common communication protocol (col. 1, lines 36-45 where it is known that by connecting these CPEs to the data network, they will be in communication with it)."

In regard to claim 3, Focsaneanu et al. disclose "the method of claim 1, further 15 comprising communicating telephone communications from a customer premises to the telephone network in the common format over the common network infrastructure using the common communication protocol (col. 1, lines 36-45 where it is known that by connecting the CPEs to the telephone network, they will be in communication with it)."

20 In regard to claim 4, Focsaneanu et al. disclose "the method of claim 1, wherein the programming source comprises one or more satellite or terrestrial antennas transmitting the content of one or more television channels (figure 2, elements

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communicating signal 52 clearly represent transmitting antennas and are part of the programming source as can be read in col. 2, lines 1-18)."

In regard to claim 7, Focsaneanu et al. disclose "the method of claim 1, wherein

- 5 the data network comprises the Internet (col. 3, lines 6-11; figure 3, element 78 where element 78 is the same as data network 30 of figure 1)."

In regard to claim 9, Focsaneanu et al. disclose "the method of claim 1, wherein

- the telephone network comprises the Public Switched Telephone Network (figure 1, 10 element 20)."

In regard to claim 10, Focsaneanu et al. disclose "the method of claim 1, wherein

the communications protocol comprises a packet-based communications protocol (col. 3, lines 6-11 where the protocol is TCP/IP which is packet-based)."

15

In regard to claim 11, Focsaneanu et al. disclose "the method of claim 1, wherein the communications protocol comprises Internet Protocol (col. 3, lines 6-11)."

In regard to claim 25, Focsaneanu et al. disclose "the method of claim 1, further

- 20 comprising conditioning access to the integrated television programming, data, and telephone communications based on a list of approved customer premises devices (col. 7, lines 4-9 where CPEs are the customer premises and it is known that service

providers maintain a list of customers for authentication so that they may be allowed to use the service provider's services)."

In regard to claim 27, Focsaneanu et al. disclose "a system for providing

- 5 integrated voice, video, and data content in an integrated service offering to one or more customer premises, comprising:
  - a receiver operable to receive television programming (figure 2, element 46 where the CATV receives programming from the satellites of element 50);
    - a video encoder operable to convert the television programming into a common format for communication over a single network infrastructure using a common communication protocol (figure 2, element 40 where the CPE connection is described in col. 2, lines 3-10);
      - 10 a telecommunication switch coupled to a telephone network and operable to receive telephone communications from the telephone network (figure 7, local switch in col. 2, lines 3-10);
        - 15 a gateway operable to convert the telephone communications into the common format for communication over the single network infrastructure using the common communication protocol (figure 7, element 200 where element 200 takes all the signals, including the telephone communications from PSTN 216, and converts the signals into
  - 20 the common format and sends the new signal to element 208); and

a router coupled to the video encoder, to the gateway, and to a data network that communicates data in the common format using the common communication protocol (figure 7, element 208), the router operable to:

- receive the converted television programming, the converted telephone communications, and the data from the data network, all in the common format; and
- communicate the converted television programming, the converted telephone communications, and the data in the common format over the single network infrastructure using the common communication protocol to one or more customer premises to provide the integrated service offering (col. 7, lines 27-37)."
- 10

- In regard to claim 28, Focsaneanu et al. disclose "the system of claim 28, further comprising a customer premises operable to receive and communicate data over the single network infrastructure using the common communication protocol (col. 1, lines 36-45 where it is known that by connecting these CPEs to the network, they will be in communication with it)." 15

In regard to claim 29, Focsaneanu et al. disclose "the system of claim 1, wherein the receiver is operable to receive television programming from a satellite dish (figure 2, elements 50)."

20

In regard to claim 33, Focsaneanu et al. disclose "the system of claim 27, wherein the data network comprises the Internet (col. 3, lines 6-11; figure 3, element 78 where element 78 is the same as data network 30 of figure 1)."

5 In regard to claim 35, Focsaneanu et al. disclose "the system of claim 27, wherein the telephone network comprises the Public Switched Telephone Network (figure 1, element 20)."

10 In regard to claim 36, Focsaneanu et al. disclose "the system of claim 27, wherein the communications protocol comprises a packet-based communications protocol (col. 3, lines 6-11 where the protocol is TCP/IP which is packet-based)."

15 In regard to claim 37, Focsaneanu et al. disclose "the system of claim 27, wherein the communications protocol comprises Internet Protocol (col. 3, lines 6-11)."

20 In regard to claim 49, Focsaneanu et al. disclose "the system of claim 27, wherein the router is further operable to condition access to the integrated television programming, data, and telephone communications based on a list of approved customer premises devices (col. 7, lines 4-9 where CPEs are the customer premises and it is known that service providers maintain a list of customers for authentication so that they may be allowed to use the service provider's services)."

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- 5           (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10

Claims 5 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in view of Brown (U.S. Patent 5,805,154).

- In regard to claim 5, Focsaneanu et al. disclose the method of claim 1. However,
- 15          Focsaneanu et al. lack "the programming source comprises one or more digital or tape storage systems transmitting audio or video content." Brown however, discloses "the programming source comprises one or more digital or tape storage systems transmitting audio or video content (col. 3, lines 25-38)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the digital or tape storage with
- 20          the method of claim 1 for the purpose of being able to transmit "non-live" or taped programming. The motivation being to allow users to watch programs after they have been recorded.

- In regard to claim 32, Focsaneanu et al. disclose the system of claim 27.
- 25          However, Focsaneanu et al. lack "the receiver is operable to receive television programming from one or more digital or tape storage systems transmitting audio or

video content." Brown however, discloses "the receiver is operable to receive television programming from one or more digital or tape storage systems transmitting audio or video content (col. 3, lines 25-38)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the digital or tape storage with the system of

- 5 claim 27 for the purpose of being able to transmit "non-live" or taped programming. The motivation being to allow users to watch programs after they have been recorded.

Claims 8 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in view of Shaffer et al. (U.S. Patent 5,761,294).

10

In regard to claim 8, Focsaneanu et al. disclose the method of claim 1. However, Focsaneanu et al. lack "the data network comprises an intranet or extranet." Shaffer et al. however, disclose "the data network comprises an intranet or extranet (col. 3, lines 22-27)." It would have been obvious to one with ordinary skill in the art at the time of 15 invention to include the intranet or extranet with the method of claim 1 for the purpose of allowing customers access to the data contained within the intranet or extranet. The motivation for this being access through the data network and other networks via a common access point.

20 In regard to claim 34, Focsaneanu et al. disclose the system of claim 27. However, Focsaneanu et al. lack "the data network comprises an intranet or extranet." Shaffer et al. however, disclose "the data network comprises an intranet or extranet (col.

3, lines 22-27)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the intranet or extranet with the system of claim 27 for the purpose of allowing customers access to the data contained within the intranet or extranet. The motivation for this being access through the data network and other

5 networks via a common access point.

Claims 12, 23, 24, 38, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in view of Mittra (U.S. Patent 5,748,736).

10 In regard to claim 12, Focsaneanu et al. disclose the method of claim 11. However, Focsaneanu et al. lack "communicating the television programming to the customer premises comprises IP multicasting the television programming to the multiple customer premises." Mittra however, discloses "communicating the television programming to the customer premises comprises IP multicasting the television

15 programming to the multiple customer premises (col. 4, lines 57-67 and col. 5, lines 1-13)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the IP multicasting with the method of claim 11 for the purpose of broadcasting information to a group of customers at the same time instead of individually. The motivation for this being to save time and resources.

20

In regard to claim 23, Focsaneanu et al. disclose the method of claim 1. However, Focsaneanu et al. lack "assigning customer premises to multicast domains to

support conditional access of the customer premises to selected television programming." Mittra however, discloses "assigning customer premises to multicast domains to support conditional access of the customer premises to selected television programming (col. 6, lines 62-67 and col. 7, lines 1-14 where changes in membership of 5 a sub-group can constitute changes in access to selected television programming)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the multicast domains with the method of claim 1 for the purpose of controlling sub-groups within the larger group without affecting other sub-groups. The motivation for this being to allow different sub-groups to have different programming.

10

In regard to claim 24, Focsaneanu et al. disclose the method of claim 1. However, Focsaneanu et al. lack "encrypting the integrated television programming, data, and telephone communications for decryption by selected customer premises." Mittra however, discloses "encrypting the integrated television programming, data, and 15 telephone communications for decryption by selected customer premises (col. 6, lines 62-67 and col. 7, lines 1-14 where the "group key" says that the server uses this to have secure connections or encrypted connections with the customer premises it serves)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the encryption with the method of claim 1 for the purpose of have sending and 20 receiving secure data. The motivation being theft of information prevention while the information is being transmitted.

In regard to claim 38, Focsaneanu et al. disclose the system of claim 37.

However, Focsaneanu et al. lack "communicating the television programming to the customer premises comprises multicasting the television programming to the multiple customer premises." Mittra however, discloses "communicating the television

- 5      programming to the customer premises comprises multicasting the television programming to the multiple customer premises (col. 4, lines 57-67 and col. 5, lines 1-13)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the multicasting with the system of claim 37 for the purpose of broadcasting information to a group of customers at the same time instead of
- 10     individually. The motivation for this being to save time and resources.

In regard to claim 47, Focsaneanu et al. disclose the system of claim 27.

However, Focsaneanu et al. lack "...assign customer premises to multicast domains to condition access of the customer premises to selected television programming." Mittra

- 15     however, discloses "...assign customer premises to multicast domains to condition access of the customer premises to selected television programming (col. 6, lines 62-67 and col. 7, lines 1-14 where changes in membership of a sub-group can constitute changes in access to selected television programming)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the multicast domains
- 20     with the system of claim 27 for the purpose of controlling sub-groups within the larger group without affecting other sub-groups. The motivation for this being to allow different sub-groups to have different levels of access.

In regard to claim 48, Focsaneanu et al. disclose the system of claim 27.

However, Focsaneanu et al. lack "encryption software operable to encrypt the integrated television programming, data, and telephone communications for decryption

- 5 by selected customer premises." Mittra however, discloses "encryption software operable to encrypt the integrated television programming, data, and telephone communications for decryption by selected customer premises (col. 6, lines 62-67 and col. 7, lines 1-14 where the "group key" says that the server uses this to have secure connections or encrypted connections with the customer premises it serves; it should
- 10 also be noted that it is known in the art that software is used to encrypt digital data)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the encryption with the system of claim 27 for the purpose of have sending and receiving secure data. The motivation being theft of information prevention while the information is being transmitted.

15

Claims 13, 14, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in view of Gerszberg et al. (U.S. Patent 6,510,152 B1).

- 20 In regard to claim 13, Focsaneanu et al. disclose the method of claim 1. However, Focsaneanu et al. lack "the single network infrastructure comprises an Ethernet network." Gerszberg et al. however, disclose "the single network infrastructure

comprises an Ethernet network (col. 1, lines 27-30 where the Ethernet network is part of the network infrastructure)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the Ethernet network with the method of claim 1 for the purpose of carrying data to and from the user. The motivation for this being to have

5 a separate network for data from the other networks.

In regard to claim 14, Focsaneanu et al. disclose the method of claim 1. However, Focsaneanu et al. lack "providing content selected from the group consisting of... audio channels...; and communicating the selected content..." Gerszberg et al.

10 however, disclose "providing content selected from the group consisting of... audio channels...(col. 8, lines 66-67 and col. 9, lines 1-5 where the radio channels are audio channels); and communicating the selected content...(col. 8, lines 66-67 and col. 9, lines 1-5)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the audio channels with the method of claim 1 for the purpose of

15 providing a variety of services to the user. The motivation being to provide a wider range of choices and bring in more customers.

In regard to claim 39, Focsaneanu et al. disclose the system of claim 27. However, Focsaneanu et al. lack "the single network infrastructure comprises an

20 Ethernet network." Gerszberg et al. however, disclose "the single network infrastructure comprises an Ethernet network (col. 1, lines 27-30 where the Ethernet network is part of the network infrastructure)." It would have been obvious to one with ordinary skill in the

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art at the time of invention to include the Ethernet network with the system of claim 27 for the purpose of carrying data to and from the user. The motivation for this being to have a separate network for data from the other networks.

- 5        In regard to claim 40, Focsaneanu et al. disclose the system of claim 27. However, Focsaneanu et al. lack “one or more servers operable to communicate additional content...the additional content selected from the group consisting of...audio channels...” Gerszberg et al. however, disclose “one or more servers operable to communicate additional content...the additional content selected from the group 10 consisting of...audio channels...” (col. 8, lines 66-67 and col. 9, lines 1-5 where the ISD/IRG are servers and the radio channels are audio channels).” It would have been obvious to one with ordinary skill in the art at the time of invention to include the audio channels with the system of claim 27 for the purpose of providing a variety of services to the user. The motivation being to provide a wider range of choices and bring in more 15 customers.

Claims 15, 16, 18, 26, 41, 42, 43, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in view of Zigmond (U.S. Patent 6,215,483 B1).

20

In regard to claim 15, Focsaneanu et al. disclose the method of claim 1. However, Focsaneanu et al. lack “displaying a web page at the customer premises that

includes content selected from the group consisting of television programming..."

Zigmond however, discloses "displaying a web page at the customer premises that includes content selected from the group consisting of...video including media markup and linking...(col. 6, lines 3-18)." It would have been obvious to one with ordinary skill in

- 5 the art at the time of invention to include the web page with the method of claim 1 for the purpose of having seamless integration of television programming and web content. The motivation for this being to allow users to view web content associated with a television broadcast.

- 10 In regard to claim 16, Focsaneanu et al. disclose the method of claim 1. However, Focsaneanu et al. lack "the data comprises media markup and linking information; and the method further comprises displaying the media markup and linking information in combination with the television programming at the customer premises." Zigmond however, discloses "the data comprises media markup and linking information; 15 and the method further comprises displaying the media markup and linking information in combination with the television programming at the customer premises (col. 6, lines 3-18)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the markup and linking information with the method of claim 1 for the purpose of having seamless integration of television programming and web content.
- 20 The motivation for this being to allow users to view web content associated with a television broadcast.

In regard to claim 18, Focsaneanu et al. disclose the method of claim 16.

However, Focsaneanu et al. lack "the media markup and linking information comprises a link to content selected from the group consisting of television programming..."

Zigmond however, discloses "the media markup and linking information comprises a link

- 5 to content selected from the group consisting of television programming... (col. 6, lines 3-11 where the "allowing Internet content to be associated with a television broadcast" is taken to mean that these links or content will take a user to the television broadcast it is associated with)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the markup and linking information with the method of
- 10 claim 16 for the purpose of having seamless integration of television programming and web content. The motivation for this being to allow users to view web content associated with a television broadcast.

In regard to claim 26, Focsaneanu et al. disclose the method of claim 1.

- 15 However, Focsaneanu et al. lack "conditioning access to the integrated television programming, data, and telephone communications based on the geographic location of a customer premises device." Zigmond however, discloses "conditioning access to the integrated television programming, data, and telephone communications based on the geographic location of a customer premises device (col. 3, lines 9-15 where stating that
- 20 local affiliates may use the Internet to link TV shows that only those users in that local affiliates area would receive this information, it wouldn't make sense for someone outside the area to receive it, thus the access is conditional on geographic location)." It

would have been obvious to one with ordinary skill in the art at the time of invention to include the conditioning access based on geographic location with the method of claim 1 for the purpose of allowing customers to view local programming. The motivation for this being more relevant programming for customers in a given area.

5

In regard to claim 41, Focsaneanu et al. disclose the system of claim 27. However, Focsaneanu et al. lack “one or more servers operable to communicate a web page to the customer premises that includes content selected from the group consisting of television programming...” Zigmund however, discloses “one or more servers operable 10 to communicate a web page to the customer premises that includes content selected from the group consisting of television programming...(col. 6, lines 3-18 where a server is implied because the web content must be “asked for” and then sent to the requester from a server).” It would have been obvious to one with ordinary skill in the art at the time of invention to include the web page with the system of claim 27 for the purpose of 15 having seamless integration of television programming and web content. The motivation for this being to allow users to view web content associated with a television broadcast.

In regard to claim 42, Focsaneanu et al. disclose the system of claim 27. However, Focsaneanu et al. lack “one ore more servers operable to communicate media markup and linking information in combination with the television programming at the customer premises.” Zigmund however, discloses “one ore more servers operable 20 to communicate media markup and linking information in combination with the television

programming at the customer premises (col. 6, lines 3-18 where a server is implied because the web content must be “asked for” and then sent to the requester from a server). It would have been obvious to one with ordinary skill in the art at the time of invention to include the markup and linking information with the system of claim 27 for

- 5 the purpose of having seamless integration of television programming and web content.

The motivation for this being to allow users to view web content associated with a television broadcast.

In regard to claim 43, Focsaneanu et al. disclose the system of claim 42.

- 10 However, Focsaneanu et al. lack “the media markup and linking information comprises a link to content selected from the group consisting of television programming...”  
Zigmond however, discloses “the media markup and linking information comprises a link to content selected from the group consisting of television programming... (col. 6, lines 3-11 where the “allowing Internet content to be associated with a television broadcast”
- 15 is taken to mean that these links or content will take a user to the television broadcast it is associated with).” It would have been obvious to one with ordinary skill in the art at the time of invention to include the markup and linking information with the system of claim 42 for the purpose of having seamless integration of television programming and web content. The motivation for this being to allow users to view web content
- 20 associated with a television broadcast.

In regard to claim 50, Focsaneanu et al. disclose the system of claim 27.

However, Focsaneanu et al. lack "...condition access to the integrated television programming, data, and telephone communications based on the geographic location of a customer premises device." Zigmond however, discloses "...condition access to the

- 5      integrated television programming, data, and telephone communications based on the geographic location of a customer premises device (col. 3, lines 9-15 where stating that local affiliates may use the Internet to link TV shows that only those users in that local affiliates area would receive this information, it wouldn't make sense for someone outside the area to receive it, thus the access is conditional on geographic location)." It
- 10     would have been obvious to one with ordinary skill in the art at the time of invention to include the conditioning access based on geographic location with the system of claim 27 for the purpose of allowing customers to view local programming. The motivation for this being more relevant programming for customers in a given area.

- 15     Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in view of Ensor et al. (U.S. Patent 5,550,900).

In regard to claim 46, Focsaneanu et al. disclose the system of claim 27.

- 20     However, Focsaneanu et al. lack "the telephone communications comprise caller identification information; and the system further comprises displaying the caller identification information in combination with the television programming at the customer premises." Ensor et al. however, disclose "the telephone communications

comprise caller identification information; and the system further comprises displaying the caller identification information in combination with the television programming at the customer premises (col. 8, lines 3-22)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the caller identification with the system 5 of claim 27 for the purpose of displaying a caller's identification when a call is received. The motivation being immediate notification of a call and the caller's identity.

Claims 19, 20, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. and Zigmond and further in view of Brown.

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In regard to claim 19, Focsaneanu et al. disclose the method of claim 1. However, Focsaneanu et al. lack "the data comprises media markup and linking information; and the method further comprises displaying the media markup and linking information in combination with content selected from the group consisting of video-on-demand..." Zigmond however, discloses "the data comprises media markup and linking information; and the method further comprises displaying the media markup and linking information in combination with content (col. 6, lines 3-18)." It would have been obvious 15 to one with ordinary skill in the art at the time of invention to include the markup and linking information with the method of claim 1 for the purpose of having seamless integration of television programming and web content. The motivation for this being to 20 allow users to view web content associated with a television broadcast. However, Zigmond lacks "...selected from the group consisting of video-on-demand..." Brown

however, discloses "... selected from the group consisting of video-on-demand...(col. 3, lines 25-35)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the video-on-demand with the media markup and linking for the purpose of allowing a user to choose which video to watch. The motivation being ease 5 of browsing and selecting videos.

In regard to claim 20, Focsaneanu et al., Zigmond, and Brown disclose the method of claim 19. However, Focsaneanu et al. and Brown lack "the media markup and linking information comprises a link to content selected from the group consisting of 10 television programming..." Zigmond however, further discloses "the media markup and linking information comprises a link to content selected from the group consisting of television programming... ( col. 6, lines 3-18)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the media markup and linking information comprising a link to television programming with the method of claim 19 for 15 the same reasons and motivation as in claim 19.

In regard to claim 44, Focsaneanu et al. disclose the system of claim 27. However, Focsaneanu et al. lack "one or more servers operable to communicate media markup and linking information to the customer premises in combination with content 20 selected from the group consisting of video-on-demand..." Zigmond however, discloses "one or more servers operable to communicate media markup and linking information to the customer premises in combination with content... (col. 6, lines 3-18 where it is

known that markup and linking information must be stored on server and communicated with a server)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the markup and linking information with the system of claim 27 for the purpose of having seamless integration of television programming and web content. The motivation for this being to allow users to view web content associated with a television broadcast. However, Zigmond lacks "...selected from the group consisting of video-on-demand..." Brown however, discloses "...selected from the group consisting of video-on-demand...(col. 3, lines 25-35)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the video-on-demand with the media markup and linking for the purpose of allowing a user to choose which video to watch. The motivation being ease of browsing and selecting videos.

In regard to claim 45, Focsaneanu et al., Zigmond, and Brown disclose the system of claim 44. However, Focsaneanu et al. and Brown lack "the media markup and linking information comprises a link to content selected from the group consisting of television programming..." Zigmond however, further discloses "the media markup and linking information comprises a link to content selected from the group consisting of television programming... ( col. 6, lines 3-18)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the media markup and linking information comprising a link to television programming with the system of claim 44 for the same reasons and motivation as in claim 44.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al.

In regard to claim 30, Focsaneanu et al. discloses the system of claim 27.

- 5 However, Focsaneanu et al. lack "the receiver is operable to receive television programming from an antenna." Although Focsaneanu et al. does not explicitly disclose the antenna, it is known in the art that receivers, no matter what kind, use antennas to receive data from sources. It would have been obvious to one with ordinary skill in the art at the time of invention to include the antenna with the system of claim 27 for the
- 10 purpose of communicating the television programming to the receiver. The motivation being to allow the customers to access the received television programming.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (703) 305-  
15 0342. The examiner can normally be reached on M-F: 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or  
20 proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Joshua Kading

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Examiner  
Art Unit 2661

JK  
December 3, 2003



KENNETH VANDERPUYE  
PRIMARY EXAMINER